

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3274 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

RATHOD RASIK BHIMABHAI

Versus

BRANCH MANAGER-STATE BANK OF INDIA

Appearance:

MR BD KARIA for Petitioner

None present for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/06/1999

ORAL JUDGEMENT

1. Shri Adhvaryu is present for the respondents. His only contribution is to make request for adjournment of the matter. So I am not marking his attendance in this case.

2. Having heard the learned counsel for the petitioner and going through the letter of the State Bank of India dated 10th April, 1996, page No.60, and the fact

that the learned counsel for the petitioner is unable to make out a case that against the vacancies which were available on 31st December, 1994 any candidate lower in merits than the petitioner has been given the appointment, I do not find any merits in this case.

3. Otherwise also, the petitioner even has not averred in the petition that any of his fundamental rights under Article 14 and 16 are being infringed by making necessary factual averments. These are the questions of facts on which otherwise also this Court has no power of taking evidence. The petitioner is a 'workman' and the respondent is an 'industry' on which there cannot be any dispute. The petitioner's services have not been terminated so far. In case the petitioner's services are terminated then he has a right to raise an industrial dispute in which he has all the right to produce the evidence or summon the record from the Bank which is more effective remedy in such matters. Being the workman, the petitioner on his termination of services can raise an industrial dispute without the aid or help of the Union which is clearly borne out from section 2(A) of the Industrial Disputes Act, 1947.

4. In the result, this special civil application is dismissed. Rule discharged. Interim relief granted by this Court stands vacated. No order as to costs.

zgs/-